

**Security Council**

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**Letter dated 12 April 2006 from the Secretary-General
addressed to the President of the Security Council**

I have the honour to refer to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), established by the Security Council in its resolution 1279 (1999) of 30 November 1999.

As you are aware, a referendum on the draft constitution of the Democratic Republic of the Congo was held on 18 and 19 December 2005, with minimal security problems. The United Nations remains concerned, however, about the possibility of violence occurring before, during or after the upcoming elections, which neither the forces of MONUC nor the Armed Forces of the Democratic Republic of the Congo would have the capacity to contain. On 27 December 2005, Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, sent a letter (see annex I) to Jack Straw, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, in his country's capacity as Presidency of the European Union, requesting the European Union to consider the possibility of making available a force reserve that, if necessary, could be deployed to the Democratic Republic of the Congo to support MONUC during the electoral process.

In response to that request, I have received a letter dated 28 March 2006 (see annex II), from Ursula Plassnik, Federal Minister for Foreign Affairs of the Republic of Austria, on behalf of the Council of the European Union, conveying the willingness of the European Union to provide support to MONUC during the electoral period, subject to the authorization of the Security Council under Chapter VII of the Charter of the United Nations.

I have also taken note of the letter dated 30 March from the Permanent Representative of the Democratic Republic of the Congo to the President of the Security Council (S/2006/203) conveying the support of the Government of the Democratic Republic of the Congo for the deployment of a reserve force of the European Union to assist MONUC during the electoral period.

I believe that the deployment of such a force would be an important contribution to the international community's efforts to support the Government of the Democratic Republic of the Congo in ensuring the successful holding of elections under secure conditions in the country. I would therefore welcome its authorization by the Security Council.

(Signed) Kofi A. Annan



Annex I

[Original: English]

Letter dated 27 December 2005 from the Under-Secretary-General for Peacekeeping Operations to the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland

In the context of strengthening collaboration between the United Nations and the European Union in the area of international peace and security, I am writing to suggest possible means through which the European Union could further contribute to the United Nations efforts to promote peace and stability in the Democratic Republic of the Congo.

As you are aware, under the Global and All-Inclusive Agreement concluded in December 2002, national elections are to be held in the Democratic Republic of Congo by the end of June 2006. As an important step in this direction, a referendum on the draft constitution was held on 18 and 19 December. While the results of the referendum have not yet been officially announced, preliminary indications suggest a "yes" vote on the draft constitution. Although the referendum took place with minimal security problems, the United Nations is nonetheless concerned about the possibility of violence occurring before, during or immediately after the elections, which neither the forces of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) nor the Forces armées de la République démocratique du Congo would be able to contain.

The European Union, in partnership with the United Nations, has played an important role in helping the Congolese people to arrive at the historic juncture where they now stand. The deployment of Operation Artemis was a crucial factor in providing the basic degree of security necessary for the political process to begin, and the European Union's subsequent political, development and humanitarian engagement has been indispensable to permit further progress. This has included the provision of a police training mission, EUPOL Kinshasa, and, more recently, a mission to assist security sector reform in the Democratic Republic of the Congo. The EU Special Representative, Aldo Ajello, is working closely with my staff in the field on a daily basis. At the same time, the European Union is leading donor support for the electoral process in the Democratic Republic of the Congo and, together with the United Nations, is actively assisting the electoral bodies of the Democratic Republic of the Congo in their preparations.

The challenge we now face is to assist the Democratic Republic of the Congo to secure the substantial progress that has been made to date. I should be grateful if the European Union could consider the possibility of making available a deterrent force that, if necessary, could be deployed to the Democratic Republic of the Congo during the electoral process.

As outlined by the Assistant Secretary-General, Hédi Annabi, during the November meeting of the United Nations-EU Steering Committee, this contribution could take the form of a suitably earmarked force reserve that could enhance the quick reaction capabilities of MONUC during or immediately after the electoral process. The Department of Peacekeeping Operations stands ready to hold

consultations with the General Secretariat of the Council of the European Union, in Brussels or in New York, on the modalities for deployment of such a force, its location and the tasks it may be required to conduct. Following agreement on those modalities, the public articulation of such a commitment would help to ensure its deterrent effect, and would demonstrate our collective determination to prevent potential spoilers from undermining the peace process.

In view of the relatively short time available for the necessary planning and consultation to organize such a force, I should be most grateful if the European Union could give urgent consideration to this suggestion.

(Signed) Jean-Marie Guéhenno
Under-Secretary-General for Peacekeeping Operations

Annex II

[Original: French]

Letter dated 28 March 2006 from the Minister for Foreign Affairs of Austria addressed to the Secretary-General

I have the pleasure of informing you that the Council of the European Union has decided to respond positively to the United Nations request dated 27 December concerning assistance to MONUC during the election period in the Democratic Republic of the Congo. This support will take the form of a military operation conducted under the political control and strategic direction of the European Union and support measures conducted in particular through our police mission in Kinshasa. At this stage, it is expected that the decisions permitting the deployment of the force will be taken subsequently on the basis of a resolution of the United Nations Security Council.

1. The adoption of a United Nations Security Council resolution under Chapter VII is essential to enable the involvement of the European Union. Such a resolution must give a robust mandate to the European force and cover the members of the European force deployed in the Democratic Republic of the Congo during the operation itself, as well as during the disengagement phase. I would like to draw your attention to the urgency of this resolution, without which the Council of the European Union will be unable to take the necessary decisions to continue preparations for this operation.

This resolution should also provide a legal basis for the presence of European troops in the Democratic Republic of the Congo. To that end, it would be useful if a provision of the United Nations Security Council resolution could provide for the status of MONUC forces could also apply to the European force, thereby guaranteeing a status similar to that of the forces already in the Democratic Republic of the Congo. A key point of the resolution will be autonomy for the European Union in deciding on the use of force.

2. The objective of the military operation is to be able to provide support to MONUC in the event that it encounters serious difficulties which cannot be managed from its own resources. This should in no case cause the European force to replace MONUC or the armed forces of the Democratic Republic of the Congo in the execution of their tasks, in particular with regard to ensuring the general security of the election process. Support to MONUC would be provided in the following areas: limited extraction capacity, assistance in securing the Kinshasa airport, support to MONUC as needed in stabilizing a situation. I would also like to stress that the European force will not have the capacity to conduct major evacuation operations of nationals.

The advance troops predeployed will be concentrated in the capital, given that Kinshasa will be the political and strategic centre for the entire electoral process. The details will be specified during the forthcoming planning process. From technical contacts with experts from the Department of Peacekeeping Operations, we have learned that the deployment of MONUC in certain locations in the Democratic Republic of the Congo territory will enable it to address certain potential difficulties without support from the European Union.

The precise modalities of deployment of the European force will also be specified during the operational planning process. In order to be able to respond to the requirement of speed in the execution of the mission, it is essential to plan for the deployment of troops in Kinshasa, with the remainder of the force remaining on alert outside the Democratic Republic of the Congo.

The deployment of the forces kept on alert outside the Democratic Republic of the Congo, should it occur, would be decided by the European Union, on the request of the United Nations Secretary-General or, if necessary, on its own initiative in close consultation with the United Nations.

The European Union is prepared to allow MONUC to benefit to the fullest extent possible from any information that might be gathered by the European force, according to the modalities to be defined.

The mission will be operated for a four-month period (mid-June to mid-October, assuming that the elections will be held on 18 June). The European Union will keep the United Nations informed on a regular basis on the progress of the operation.

3. The Congolese authorities have been consulted on the principal aspects of the planned operation. They have expressed their support and consent for the establishment of a European force. The European Union intends to continue to work in transparency and cooperation with the Congolese authorities in the forthcoming planning process as well as during the implementation phase. It will also keep the Governments of the neighbouring States and the African Union informed.

4. The preparatory work will be continuing in the weeks to come. It will be undertaken in close consultation with the United Nations Secretariat and with MONUC. Therefore, it would be appropriate to make arrangements for liaison between the secretariats and MONUC to ensure its effectiveness. These preparations should enable the identification of detailed modalities in accordance with which the European Union will perform this mission, as well as the support that the troops deployed in Kinshasa can receive from MONUC. I propose that, once these modalities are decided, they should be the subject of an exchange of letters between the Secretaries-General to formalize our agreement on the precise nature of the support that MONUC can expect from the European force.

5. The European Union also envisages a certain number of measures to accompany the military operation. In particular, we intend to reinforce temporarily the EUPOL police mission in Kinshasa in order to provide expertise in coordination of actions to maintain order. This reinforcement could begin as early as mid-May and will also end in mid-October. Third countries, African countries in particular, will be invited to contribute to this reinforcement.

I should be grateful if you could inform me as soon as possible, after such consultations as you may find necessary, if these general outlines are agreeable to you.

(Signed) Ursula Plassnik